

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

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|----------------------------|---|------------------|
| GOFF GROUP, INC., and |) | |
| JOHN W. GOFF, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. |
| |) | 2:06cv389-MHT |
| |) | |
| PHENIX-DURANGO, LLC, a |) | |
| Limited Liability Company, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

It is ORDERED as follows:

(1) The motion to remand (Doc. No. 86) is granted to the extent that the issues between plaintiff Goff Group, Inc., and the defendants are referred to the Bankruptcy Court for the Middle District of Alabama. The court leaves it up to the bankruptcy court to decide, in the first instance subject to appropriate review, whether it has jurisdiction to decide these issues and, if so, whether it should resolve them pursuant

to 28 U.S.C. § 157(b) (final) or 28 U.S.C. § 157(c) (report and recommendation). The clerk of the court is to take appropriate steps to effect the referral of these issues.

(2) The proceedings on the issues between plaintiff John W. Goff and the defendants are stayed pending the resolution in the bankruptcy court of the other issues. This court reserves ruling on whether it has removal jurisdiction over the issues between plaintiff John W. Goff and the defendants until such time as the stay is dissolved.

(3) The clerk of the court is to close this case administratively.

DONE, this the 26th day of September, 2007.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE